

Mustafa Naqib,)	Case No. 3:05cv7010
)	
Petitioner,)	
)	
-vs-)	<u>O R D E R</u>
)	
John Ashcroft. et al,)	
)	Judge Christopher A. Boyko
Respondent.)	
)	
)	

On January 11, 2005, Petitioner filed a *pro se* Petition for Writ of *Habeas Corpus* pursuant to 28 U.S.C. § 2241 (Dkt. #1). The case was referred to Magistrate Judge William H. Baughman pursuant to Local Rule 72.2 (Dkt. #4). On September 20, 2006, the Magistrate Judge recommended that the Petitioner's application for habeas corpus be dismissed as moot since the petitioner has been removed from the United States of America (Dkt. 8). On September 26, 2006, this court returned Magistrate Judge William H. Baughman's Report and Recommendation for further analysis (Dkt. 10). On October 30, 2006, the Magistrate Judge recommended that the court dismiss the claims for release from pre-removal detention, for injunctive relief from such detention, and for stay of removal as moot; transfer the petition to vacate the removal order to the United States Court of Appeals for the Sixth Circuit under 8 U.S.C. § 1252; and dismiss the claims for damages and costs for want of subject matter jurisdiction (Dkt. #13).

FED. R. CIV.P. 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service, but Petitioner has failed to timely file any such objections. Therefore, the Court must assume that Petitioner is satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a

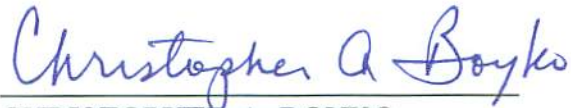
Thomas L. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

Therefore, Magistrate Judge William H. Baughmans' report and recommendation is hereby **ADOPTED**. Therefore, the petitioner's claims for release from pre-removal detention, for damages, for costs for want of subject matter jurisdiction and for injunctive relief from such detention are dismissed. Petitioner's motion for stay of removal is as moot and the petition to vacate the removal order is transferred to the United States Court of Appeals for the Sixth Circuit under 8 U.S.C. § 1252.:(Dkt. #13).

IT IS SO ORDERED.

Dated:

11/29/06



CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE